

**REMARKS****I. General**

Claims 1-25 stand rejected, and all claims are currently pending. Claims 19, 22, and 23 are amended by this response. The issues in the Office Action mailed May 19, 2004 are as follows:

- Claim 22 is objected to for an informality.
- Claims 1-5 and 7-12 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,529,905 (hereinafter, *Bray*).
- Claims 19-25 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,643,650 (hereinafter, *Slaughter*).
- Claim 13 is rejected under 35 U.S.C. §103(a) as being obvious over *Bray* in view of the Examiner's personal knowledge.
- Claims 6 and 14-18 are rejected under 35 U.S.C. §103(a) as being obvious over *Bray* in view of *Slaughter* in view of the Examiner's personal knowledge.

Applicants hereby traverse the outstanding rejections and request reconsideration and withdrawal in light of the remarks and amendments contained herein.

**II. Amendments**

Claim 19 is amended to recite "at least one physical storage-related device." Support may be found, at least, at page 8, lines 1-5; thus no new matter is added.

Claim 22 is amended to properly depend from claim 18. Because it corrects an obvious error, no new matter is added.

Claim 23 is amended to recite "communicatively coupled to said at least one host system through a flexible interface." Support may be found, at least, at page 5, lines 12-15; thus no new matter is added.

### **III. Objections to the Claims**

The Office Action objects to claim 22 for reciting that it depends from claim 18, rather than from claim 19. Applicants have corrected this typographical error, such that claim 22 correctly depends from claim 19. Withdrawal of the objection is respectfully requested. This amendment is not in response to any art, nor does it narrow the scope of the claim.

### **IV. Claim Rejections Under 35 U.S.C. §102**

#### **A. Rejections Over Bray**

On pages 2-4 of the Office Action, claims 1-5 and 7-12 are rejected under 35 U.S.C. §102(e) as being anticipated by *Bray*.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989).

Claim 1 recites, in part, “defining structure for data to be transported from said at least one host system to said storage management system using a markup language.” *Bray* does not teach, at least, the above-identified feature of claim 1. The Office Action points to FIGURE 1 of *Bray*, wherein item 12 is alleged to be a host system and item 10 is alleged to be a storage management system. However, *Bray* teaches that item 12 is a “locking manager,” which is not taught to transport data to a storage management system using a markup language. See Col. 5, lines 33-44, which describe the function of the locking manager as checking, setting, and releasing of locks during the authoring of a document. It should be noted that the locking manager does not transport the XML documents in *Bray*, but rather, controls the ability to edit those documents. Further, *Bray* does not teach the structure for data to be transported from the locking manager itself. Thus, while *Bray* may employ a locking manager and may teach authoring portions of XML documents, *Bray* does not teach, “defining structure for data to be transported from said at least one host system to said storage management system using a markup language,” because *Bray* does not teach that the data transported from the locking manager is defined “using a markup language.” Accordingly, *Bray* does not teach each and every feature of claim 1.

Dependent claims 2-5, and 7-12 each depend either directly or indirectly from independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus, *Bray* does not teach all claim limitations of claims 2-5, and 7-12. It is respectfully submitted that dependent claims 2-5, and 7-12 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Applicants, therefore, respectfully request removal of the 35 U.S.C. §102(e) rejection of claims 1-5, and 7-12.

#### **B. Rejections Over *Slaughter***

On pages 4-6 of the Office Action, claims 19-25 are rejected under 35 U.S.C. §102(e) as being anticipated by *Slaughter*.

Amended claim 19 recites, in part, “means for obtaining discovery information from at least one physical storage-related device of said enterprise environment.” *Slaughter* does not teach the above-referenced feature of claim 19. The Office Action cites item 204 of FIGURE 18 of *Slaughter* as teaching a storage-related device. The cited item is a “space,” which is not physical storage, but rather, is a virtual storage object. See, for example, Col. 42, line 18, of *Slaughter* which describes a space as a service, rather than as a physical device. Because claim 19, as amended, recites a “physical storage-related device,” the feature is not taught by the cited portion of *Slaughter*.

Dependent claims 20-22 each depend either directly or indirectly from independent claim 19 and, thus, inherit all of the limitations of independent claim 19. Thus, *Slaughter* does not teach all claim limitations of claims 20-22. It is respectfully submitted that dependent claims 20-22 are allowable at least because of their dependence from claim 19 for the reasons discussed above. Applicants, therefore, respectfully request removal of the 35 U.S.C. §102(e) rejection of claims 19-22.

Amended claim 23 recites, in part, “wherein said storage management system is communicatively coupled to said at least one host system through a flexible interface.” *Slaughter* does not teach the above-recited feature of claim 23. As explained above, although the Office Action cites Col. 75, lines 63-67 of *Slaughter* as teaching a flexible interface, the citation merely teaches wrapping a protocol in code, which is not the same as a flexible interface. For instance, the cited passage does not use the word, “flexible,” or any of its synonyms. Also, the passage does not disclose indicators of flexibility, such as accounting

for differences between provided data and fields of a system. Notice that although the protocol is wrapped, *Slaughter* does not teach how the data in the protocol relates to fields in the clients in the distributed computing environment. Accordingly, it is possible that the data must line up exactly with the fields, thus creating an inflexible interface in the system disclosed by *Slaughter*. Thus, *Slaughter* does not teach each and every feature of amended claim 23.

Dependent claims 24 and 25 each depend either directly or indirectly from independent claim 23 and, thus, inherit all of the limitations of independent claim 23. Thus, *Slaughter* does not teach all claim limitations of claims 24 and 25. It is respectfully submitted that dependent claims 24 and 25 are allowable at least because of their dependence from claim 23 for the reasons discussed above. Applicants, therefore, respectfully request removal of the 35 U.S.C. §102(e) rejection of claims 23-25.

**V. Claim Rejections Under 35 U.S.C. §103**

**A. Rejections Over Bray**

On pages 6-7, claim 13 is rejected under 35 U.S.C. §103(a) as being obvious over *Bray* in view of the Examiner's personal knowledge.

As shown above, *Bray* does not teach each and every feature of claim 1. The Office Action does not rely on the Examiner's personal knowledge to teach the missing feature. Dependent claim 13 depends from independent claim 1 and, thus, inherits all of the limitations of independent claim 1. Thus, the combination of *Bray* and the Examiner's personal knowledge does not teach or suggest all claim limitations of claim 13. It is respectfully submitted that dependent claim 13 is allowable at least because of its dependence from claim 1 for the reasons discussed above. Applicants, therefore, respectfully request removal of the 35 U.S.C. §103(a) rejection of claim 13.

**B. Rejections Over Bray in View of Slaughter**

On pages 7-9 of the Office Action, claims 6 and 14-18 are rejected under 35 U.S.C. §103(a) as being obvious over *Bray* in view of *Slaughter* in view of the Examiner's personal knowledge.

As shown above, *Bray* does not teach each and every feature of claim 1, and the Office Action does not rely on the Examiner's personal knowledge to teach the missing feature. Also, the Office Action does not rely on *Slaughter* to teach the missing feature of claim 1. Dependent claims 6 and 14-18 depend from independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus, the combination of *Bray*, *Slaughter*, and the Examiner's personal knowledge does not teach or suggest all claim limitations of claim 1. It is respectfully submitted that dependent claims 6 and 14-18 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Applicants, therefore, respectfully request removal of the 35 U.S.C. §103(a) rejection of claims 6 and 14-18.

## VI. Conclusion

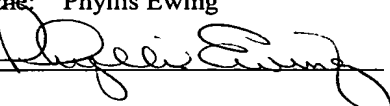
In view of the above arguments and amendments, applicant believes the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10004551-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 482735355 US in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: 08-10-2004

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